



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2308

Introduced 2/18/2009, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.1	from Ch. 46, par. 2A-1.1
10 ILCS 5/9-10	from Ch. 46, par. 9-10
25 ILCS 115/4	from Ch. 63, par. 15.1
25 ILCS 130/9-2.5	

Amends the Election Code, the General Assembly Compensation Act, and the Legislative Commission Reorganization Act of 1984. Changes the general primary election from the first Tuesday in February of even-numbered years to the third Tuesday in March of even-numbered years in which a U.S. President is elected and the first Tuesday in August in even-numbered years in which a Governor is elected. Makes conforming changes with respect to filing of campaign finance reports and printing and mailing of legislators' newsletters and brochures. Effective immediately.

LRB096 09790 JAM 19953 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 2A-1.1 and 9-10 as follows:

6 (10 ILCS 5/2A-1.1) (from Ch. 46, par. 2A-1.1)

7 Sec. 2A-1.1. All Elections - Consolidated Schedule.

8 (a) In even-numbered years, the general election shall be
9 held on the first Tuesday after the first Monday of November;
10 and an election to be known as the general primary election
11 shall be held (i) on the ~~third~~ first Tuesday in March of
12 even-numbered years in which the United States President is
13 elected and (ii) on the first Tuesday in August of
14 even-numbered years in which the Governor is elected ~~February;~~

15 (b) In odd-numbered years, an election to be known as the
16 consolidated election shall be held on the first Tuesday in
17 April except as provided in Section 2A-1.1a of this Act; and an
18 election to be known as the consolidated primary election shall
19 be held on the last Tuesday in February.

20 (Source: P.A. 95-6, eff. 6-20-07.)

21 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

22 Sec. 9-10. Financial reports.

1 (a) The treasurer of every state political committee and
2 the treasurer of every local political committee shall file
3 with the Board, and the treasurer of every local political
4 committee shall file with the county clerk, reports of campaign
5 contributions, and semi-annual reports of campaign
6 contributions and expenditures on forms to be prescribed or
7 approved by the Board. The treasurer of every political
8 committee that acts as both a state political committee and a
9 local political committee shall file a copy of each report with
10 the State Board of Elections and the county clerk. Entities
11 subject to Section 9-7.5 shall file reports required by that
12 Section at times provided in this Section and are subject to
13 the penalties provided in this Section.

14 (b) ~~This subsection does not apply with respect to general~~
15 ~~primary elections.~~ Reports of campaign contributions shall be
16 filed no later than the 15th day next preceding each election
17 or primary in connection with which the political committee has
18 accepted or is accepting contributions or has made or is making
19 expenditures. Such reports shall be complete as of the 30th day
20 next preceding each election or primary. The Board shall assess
21 a civil penalty not to exceed \$5,000 for a violation of this
22 subsection, except that for State officers and candidates and
23 political committees formed for statewide office, the civil
24 penalty may not exceed \$10,000. The fine, however, shall not
25 exceed \$500 for a first filing violation for filing less than
26 10 days after the deadline. There shall be no fine if the

1 report is mailed and postmarked at least 72 hours prior to the
2 filing deadline. For the purpose of this subsection, "statewide
3 office" and "State officer" means the Governor, Lieutenant
4 Governor, Attorney General, Secretary of State, Comptroller,
5 and Treasurer. However, a continuing political committee that
6 does not make an expenditure or expenditures in an aggregate
7 amount of more than \$500 on behalf of or in opposition to any
8 (i) candidate or candidates, (ii) public question or questions,
9 or (iii) candidate or candidates and public question or
10 questions on the ballot at an election or primary shall not be
11 required to file the reports prescribed in this subsection (b)
12 and subsection (b-5) but may file in lieu thereof a Statement
13 of Nonparticipation in the Election or Primary with the Board
14 or the Board and the county clerk ; except that if the
15 political committee, by the terms of its statement of
16 organization filed in accordance with this Article, is
17 organized to support or oppose a candidate or public question
18 on the ballot at the next election or primary, that committee
19 must file reports required by this subsection (b) and by
20 subsection (b-5).

21 (b-5) Notwithstanding the provisions of subsection (b) and
22 Section 1.25 of the Statute on Statutes, any contribution of
23 more than \$500 received ~~(i) with respect to elections other~~
24 ~~than the general primary election,~~ in the interim between the
25 last date of the period covered by the last report filed under
26 subsection (b) prior to the election or primary and the date of

1 the election or primary ~~(ii) with respect to general primary~~
2 ~~elections, in the period beginning January 1 of the year of the~~
3 ~~general primary election and prior to the date of the general~~
4 ~~primary election~~ shall be filed with and must actually be
5 received by the State Board of Elections within 2 business days
6 after receipt of such contribution. ~~A continuing political~~
7 ~~committee that does not support or oppose a candidate or public~~
8 ~~question on the ballot at a general primary election and does~~
9 ~~not make expenditures in excess of \$500 on behalf of or in~~
10 ~~opposition to any candidate or public question on the ballot at~~
11 ~~the general primary election shall not be required to file the~~
12 ~~report prescribed in this subsection unless the committee makes~~
13 ~~an expenditure in excess of \$500 on behalf of or in opposition~~
14 ~~to any candidate or public question on the ballot at the~~
15 ~~general primary election.~~ The committee shall timely file the
16 report required under this subsection beginning with the date
17 the expenditure that triggered participation was made. The
18 State Board shall allow filings of reports of contributions of
19 more than \$500 under this subsection (b-5) by political
20 committees that are not required to file electronically to be
21 made by facsimile transmission. For the purpose of this
22 subsection, a contribution is considered received on the date
23 the public official, candidate, or political committee (or
24 equivalent person in the case of a reporting entity other than
25 a political committee) actually receives it or, in the case of
26 goods or services, 2 business days after the date the public

1 official, candidate, committee, or other reporting entity
2 receives the certification required under subsection (b) of
3 Section 9-6. Failure to report each contribution is a separate
4 violation of this subsection. In the final disposition of any
5 matter by the Board on or after the effective date of this
6 amendatory Act of the 93rd General Assembly, the Board may
7 impose fines for violations of this subsection not to exceed
8 100% of the total amount of the contributions that were
9 untimely reported, but in no case when a fine is imposed shall
10 it be less than 10% of the total amount of the contributions
11 that were untimely reported. When considering the amount of the
12 fine to be imposed, the Board shall consider, but is not
13 limited to, the following factors:

14 (1) whether in the Board's opinion the violation was
15 committed inadvertently, negligently, knowingly, or
16 intentionally;

17 (2) the number of days the contribution was reported
18 late; and

19 (3) past violations of Sections 9-3 and 9-10 of this
20 Article by the committee.

21 (c) In addition to such reports the treasurer of every
22 political committee shall file semi-annual reports of campaign
23 contributions and expenditures no later than July 20th,
24 covering the period from January 1st through June 30th
25 immediately preceding, and no later than January 20th, covering
26 the period from July 1st through December 31st of the preceding

1 calendar year. Reports of contributions and expenditures must
2 be filed to cover the prescribed time periods even though no
3 contributions or expenditures may have been received or made
4 during the period. The Board shall assess a civil penalty not
5 to exceed \$5,000 for a violation of this subsection, except
6 that for State officers and candidates and political committees
7 formed for statewide office, the civil penalty may not exceed
8 \$10,000. The fine, however, shall not exceed \$500 for a first
9 filing violation for filing less than 10 days after the
10 deadline. There shall be no fine if the report is mailed and
11 postmarked at least 72 hours prior to the filing deadline. For
12 the purpose of this subsection, "statewide office" and "State
13 officer" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, Comptroller, and Treasurer.

15 (c-5) A political committee that acts as either (i) a State
16 and local political committee or (ii) a local political
17 committee and that files reports electronically under Section
18 9-28 is not required to file copies of the reports with the
19 appropriate county clerk if the county clerk has a system that
20 permits access to, and duplication of, reports that are filed
21 with the State Board of Elections. A State and local political
22 committee or a local political committee shall file with the
23 county clerk a copy of its statement of organization pursuant
24 to Section 9-3.

25 (d) A copy of each report or statement filed under this
26 Article shall be preserved by the person filing it for a period

1 of two years from the date of filing.

2 (Source: P.A. 94-645, eff. 8-22-05; 95-6, eff. 6-20-07; 95-957,
3 eff. 1-1-09.)

4 Section 10. The General Assembly Compensation Act is
5 amended by changing Section 4 as follows:

6 (25 ILCS 115/4) (from Ch. 63, par. 15.1)

7 Sec. 4. Office allowance. Beginning July 1, 2001, each
8 member of the House of Representatives is authorized to approve
9 the expenditure of not more than \$61,000 per year and each
10 member of the Senate is authorized to approve the expenditure
11 of not more than \$73,000 per year to pay for "personal
12 services", "contractual services", "commodities", "printing",
13 "travel", "operation of automotive equipment",
14 "telecommunications services", as defined in the State Finance
15 Act, and the compensation of one or more legislative assistants
16 authorized pursuant to this Section, in connection with his or
17 her legislative duties and not in connection with any political
18 campaign. On July 1, 2002 and on July 1 of each year
19 thereafter, the amount authorized per year under this Section
20 for each member of the Senate and each member of the House of
21 Representatives shall be increased by a percentage increase
22 equivalent to the lesser of (i) the increase in the designated
23 cost of living index or (ii) 5%. The designated cost of living
24 index is the index known as the "Employment Cost Index, Wages

1 and Salaries, By Occupation and Industry Groups: State and
2 Local Government Workers: Public Administration" as published
3 by the Bureau of Labor Statistics of the U.S. Department of
4 Labor for the calendar year immediately preceding the year of
5 the respective July 1st increase date. The increase shall be
6 added to the then current amount, and the adjusted amount so
7 determined shall be the annual amount beginning July 1 of the
8 increase year until July 1 of the next year. No increase under
9 this provision shall be less than zero.

10 A member may purchase office equipment if the member
11 certifies to the Secretary of the Senate or the Clerk of the
12 House, as applicable, that the purchase price, whether paid in
13 lump sum or installments, amounts to less than would be charged
14 for renting or leasing the equipment over its anticipated
15 useful life. All such equipment must be purchased through the
16 Secretary of the Senate or the Clerk of the House, as
17 applicable, for proper identification and verification of
18 purchase.

19 Each member of the General Assembly is authorized to employ
20 one or more legislative assistants, who shall be solely under
21 the direction and control of that member, for the purpose of
22 assisting the member in the performance of his or her official
23 duties. A legislative assistant may be employed pursuant to
24 this Section as a full-time employee, part-time employee, or
25 contractual employee, at the discretion of the member. If
26 employed as a State employee, a legislative assistant shall

1 receive employment benefits on the same terms and conditions
2 that apply to other employees of the General Assembly. Each
3 member shall adopt and implement personnel policies for
4 legislative assistants under his or her direction and control
5 relating to work time requirements, documentation for
6 reimbursement for travel on official State business,
7 compensation, and the earning and accrual of State benefits for
8 those legislative assistants who may be eligible to receive
9 those benefits. The policies shall also require legislative
10 assistants to periodically submit time sheets documenting, in
11 quarter-hour increments, the time spent each day on official
12 State business. The policies shall require the time sheets to
13 be submitted on paper, electronically, or both and to be
14 maintained in either paper or electronic format by the
15 applicable fiscal office for a period of at least 2 years.
16 Contractual employees may satisfy the time sheets requirement
17 by complying with the terms of their contract, which shall
18 provide for a means of compliance with this requirement. A
19 member may satisfy the requirements of this paragraph by
20 adopting and implementing the personnel policies promulgated
21 by that member's legislative leader under the State Officials
22 and Employees Ethics Act with respect to that member's
23 legislative assistants.

24 As used in this Section the term "personal services" shall
25 include contributions of the State under the Federal Insurance
26 Contribution Act and under Article 14 of the Illinois Pension

1 Code. As used in this Section the term "contractual services"
2 shall not include improvements to real property unless those
3 improvements are the obligation of the lessee under the lease
4 agreement. Beginning July 1, 1989, as used in the Section, the
5 term "travel" shall be limited to travel in connection with a
6 member's legislative duties and not in connection with any
7 political campaign. Beginning on the effective date of this
8 amendatory Act of the 93rd General Assembly, as used in this
9 Section, the term "printing" includes, but is not limited to,
10 newsletters, brochures, certificates, congratulatory mailings,
11 greeting or welcome messages, anniversary or birthday cards,
12 and congratulations for prominent achievement cards. As used in
13 this Section, the term "printing" includes fees for
14 non-substantive resolutions charged by the Clerk of the House
15 of Representatives under subsection (c-5) of Section 1 of the
16 Legislative Materials Act. No newsletter or brochure that is
17 paid for, in whole or in part, with funds provided under this
18 Section may be printed or mailed during a period beginning on
19 the 45th day before ~~December 15 of the year preceding~~ a general
20 primary election and ending the day after the general primary
21 election and during a period beginning September 1 of the year
22 of a general election and ending the day after the general
23 election, except that such a newsletter or brochure may be
24 mailed during those times if it is mailed to a constituent in
25 response to that constituent's inquiry concerning the needs of
26 that constituent or questions raised by that constituent.

1 Nothing in this Section shall be construed to authorize
2 expenditures for lodging and meals while a member is in
3 attendance at sessions of the General Assembly.

4 Any utility bill for service provided to a member's
5 district office for a period including portions of 2
6 consecutive fiscal years may be paid from funds appropriated
7 for such expenditure in either fiscal year.

8 If a vacancy occurs in the office of Senator or
9 Representative in the General Assembly, any office equipment in
10 the possession of the vacating member shall transfer to the
11 member's successor; if the successor does not want such
12 equipment, it shall be transferred to the Secretary of the
13 Senate or Clerk of the House of Representatives, as the case
14 may be, and if not wanted by other members of the General
15 Assembly then to the Department of Central Management Services
16 for treatment as surplus property under the State Property
17 Control Act. Each member, on or before June 30th of each year,
18 shall conduct an inventory of all equipment purchased pursuant
19 to this Act. Such inventory shall be filed with the Secretary
20 of the Senate or the Clerk of the House, as the case may be.
21 Whenever a vacancy occurs, the Secretary of the Senate or the
22 Clerk of the House, as the case may be, shall conduct an
23 inventory of equipment purchased.

24 In the event that a member leaves office during his or her
25 term, any unexpended or unobligated portion of the allowance
26 granted under this Section shall lapse. The vacating member's

1 successor shall be granted an allowance in an amount, rounded
2 to the nearest dollar, computed by dividing the annual
3 allowance by 365 and multiplying the quotient by the number of
4 days remaining in the fiscal year.

5 From any appropriation for the purposes of this Section for
6 a fiscal year which overlaps 2 General Assemblies, no more than
7 1/2 of the annual allowance per member may be spent or
8 encumbered by any member of either the outgoing or incoming
9 General Assembly, except that any member of the incoming
10 General Assembly who was a member of the outgoing General
11 Assembly may encumber or spend any portion of his annual
12 allowance within the fiscal year.

13 The appropriation for the annual allowances permitted by
14 this Section shall be included in an appropriation to the
15 President of the Senate and to the Speaker of the House of
16 Representatives for their respective members. The President of
17 the Senate and the Speaker of the House shall voucher for
18 payment individual members' expenditures from their annual
19 office allowances to the State Comptroller, subject to the
20 authority of the Comptroller under Section 9 of the State
21 Comptroller Act.

22 (Source: P.A. 95-6, eff. 6-20-07.)

23 Section 15. The Legislative Commission Reorganization Act
24 of 1984 is amended by changing Section 9-2.5 as follows:

1 (25 ILCS 130/9-2.5)

2 Sec. 9-2.5. Newsletters and brochures. The Legislative
3 Printing Unit may not print for any member of the General
4 Assembly any newsletters or brochures during the period
5 beginning on the 45th day before ~~December 15 of the year~~
6 ~~preceding~~ a general primary election and ending the day after
7 the general primary election and during a period beginning
8 September 1 of the year of a general election and ending the
9 day after the general election. A member of the General
10 Assembly may not mail, during a period beginning on the 45th
11 day before ~~December 15 of the year preceding~~ a general primary
12 election and ending the day after the general primary election
13 and during a period beginning September 1 of the year of a
14 general election and ending the day after the general election,
15 any newsletters or brochures that were printed, at any time, by
16 the Legislative Printing Unit, except that such a newsletter or
17 brochure may be mailed during those times if it is mailed to a
18 constituent in response to that constituent's inquiry
19 concerning the needs of that constituent or questions raised by
20 that constituent.

21 (Source: P.A. 95-6, eff. 6-20-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.